

Posting of Workers Ordinance (2017:319)

Section 1

This Ordinance contains supplementary provisions to the Posting of Workers Act (1999:678) as regards information, cooperation between authorities, the notification obligation, contact persons and financial penalties.

Section 2

This Ordinance is issued pursuant to:

- Section 12, second paragraph of the Posting of Workers Act (1999:678) as regards Section 7;
- Section 12, first paragraph of the Posting of Workers Act (1999:678) as regards Section 8;
- Section 12, second paragraph of the Posting of Workers Act (1999:678) as regards Section 9;
- Section 15 of the Posting of Workers Act (1999:678) as regards Sections 10 and 11;
- Chapter 8, Article 7 of the Instrument of Government as regards other provisions.

Information

Section 3

The Swedish Work Environment Authority must provide information on the provisions in the Posting of Workers Act (1999:678) that apply in connection with posting to Sweden. The Swedish Work Environment Authority must also provide information on the other bodies or authorities that workers and undertakings can turn to for general information on their rights and obligations in connection with posting to Sweden.

Section 4

The Swedish Work Environment Authority must provide the information referred to in Section 3 of this Ordinance and Section 9 of the Posting of Workers Act (1999:678) as stated in Articles 5(1), 5(2), 5(4) and 5(5) of Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services, and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation'), in the original wording.

The information must be made available in the languages that are most relevant and that the Swedish Work Environment Authority prescribes.

Cooperation between authorities

Section 5

The Swedish Work Environment Authority must provide information to a competent authority in another State within the EEA if the authority so requests and within the following time limits:

- In urgent cases requiring only a record check: no later than two working days after the

request was received by the Swedish Work Environment Authority.

– In other cases: no later than 25 working days after the request was received by the Swedish Work Environment Authority, unless the Swedish Work Environment Authority and the competent authority agree on a shorter time limit.

If the Swedish Work Environment Authority has difficulty responding to a request for information or conducting any checks, inspections or investigations, the Swedish Work Environment Authority must, without delay, inform the competent authority that has requested the information with the aim of finding a solution.

Section 6

If, in the course of its activities, the Swedish Work Environment Authority discovers any facts that indicate possible irregularities with respect to the posting of workers, the Authority must – on its own initiative and without undue delay – communicate any relevant information to a competent authority concerned in another EEA State.

Notification obligation and contact person

Section 7

Notifications under Sections 10 or 11 of the Posting of Workers Act (1999:678) must be submitted in writing to the Swedish Work Environment Authority.

Such notifications may be transferred electronically to the Swedish Work Environment Authority.

Section 8

Notifications of posting under Section 10 of the Posting of Workers Act (1999:678) must contain details of:

1. the name, postal address and domicile of the employer;
2. the name, personal identity number or, if the individual does not have one, date of birth, postal address, telephone number and email address of an authorised representative of the employer;
3. the type of service or services to be performed in Sweden;
4. the planned time period for the performance of the service or services in Sweden;
5. the place or places in Sweden where the service or services are to be performed; and
6. the names and personal identity numbers or, if they do not have one, dates of birth of the workers to be posted to Sweden.

Section 9

Notifications of a contact person under Section 11 of the Posting of Workers Act (1999:678) must contain details of that person's:

1. name;
2. personal identity number or, if the individual does not have one, date of birth;
3. postal address in Sweden;
4. telephone number; and
5. email address.

Financial penalties

Section 10

The financial penalty under Section 14, first paragraph of the Posting of Workers Act (1999:678) is SEK 20 000.

Section 11

A financial penalty under Section 10 will be imposed if an employer has infringed the provisions in Section 8 or 9.